

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Amanda Harouche	Team: Team # 1	CCRB Case #: 201401627	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 02/14/2014 7:15 PM	Location of Incident: in front of § 87(2)(b) and the 44th Precinct stationhouse	Precinct: 44	18 Mo. SOL 8/14/2015	EO SOL 8/14/2015	
Date/Time CV Reported Sat, 02/15/2014 3:30 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/19/2014 2:50 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Sean Brown	24894	948704	044 PCT
2. POM Jawuan Hubbard	08746	949121	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Juan Cruz	25824	920168	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jawuan Hubbard	Force: In front of § 87(2)(b) in the Bronx, PO Jawuan Hubbard pointed his gun at § 87(2)(b)	§ 87(2)(b)
B.POM Jawuan Hubbard	Force: In front of § 87(2)(b) in the Bronx, PO Jawuan Hubbard used physical force against § 87(2)(b)	§ 87(2)(b)
C.POM Sean Brown	Discourtesy: In front of § 87(2)(b) in the Bronx and at the 44th Precinct stationhouse, PO Sean Brown spoke discourteously to § 87(2)(b)	§ 87(2)(b)
D.POM Sean Brown	Off. Language: In front of § 87(2)(b) in the Bronx, PO Sean Brown made remarks to § 87(2)(b) based upon the sex of § 87(2)(b)	§ 87(2)(b)

Case Summary

On February 15, 2014, Sgt. Grayson of the 44th Precinct, called the Internal Affairs Bureau (IAB) and filed the following complaint due to an injury sustained by § 87(2)(b) during his apprehension. The complaint, registered at IAB under log #2014-5846 was referred to the Civilian Complaint Review Board (CCRB) under log #2014-5982 on February 19, 2014 (encl. 4a-b).

On February 14, 2014 at 7:15 p.m., § 87(2)(b) was observed in a hand-to-hand transaction and subsequently apprehended in front of § 87(2)(b) in the Bronx by PO Brown and PO Hubbard of the 44th Precinct resulting in the following allegations:

- **Allegation A: Abuse of Authority – In front of § 87(2)(b) in the Bronx, PO Jawuan Hubbard pointed his gun at § 87(2)(b)**
§ 87(2)(b), § 87(2)(g)
- **Allegation B: Force – In front of § 87(2)(b) in the Bronx, PO Jawuan Hubbard used physical force against § 87(2)(b)**
§ 87(2)(g)
- **Allegation C: Discourtesy – In front of § 87(2)(b) in the Bronx and at the 44th Precinct stationhouse, PO Sean Brown spoke discourteously to § 87(2)(b)**
- **Allegation D: Offensive Language – In front of § 87(2)(b) in the Bronx, PO Sean Brown made remarks to § 87(2)(b) based upon the sex of § 87(2)(b)**
§ 87(2)(b), § 87(2)(g)

This case was ineligible for mediation.

Results of Investigation

Civilian Statements

Complainant/Victim: MR. § 87(2)(b)

- See enclosures for pedigree (encl. 5b-d).

CCRB Statement:

§ 87(2)(b) provided a phone statement on February 25, 2014 (encl. 5a), an in person statement on March 5, 2014 (encl. 5b-d), and additional information over the phone on May 29, 2014(encl. 5e). His statements were consistent with inconsistencies noted below.

On February 14, 2014, around 7:15pm, § 87(2)(b) left his apartment located at § 87(2)(b) in the Bronx to walk to the store to get his baby daughter milk with his girlfriend, § 87(2)(b) was wearing light blue jeans, a fitted leather jacket with pockets that stick out, and high-top Nike sneakers. On his way to the store, § 87(2)(b) stopped to speak with two friends on 167th Street and Morris Avenue; he shook their hands and spoke to them for about five

to ten minutes before he continued walking to the store. On May 29, 2014, § 87(2)(b) added that he did not exchange any objects with the two males, who were wearing white t-shirts and dark blue jeans in front of a bus stop on 168th Street and Morris Avenue. Around the store, on the whole street of Morris, there is a hot spot for drugs. § 87(2)(b) thinks that the officers thought he had exited the hotspot which is why they approached him. § 87(2)(b) had not smoked marijuana, used any drugs or drank any alcohol on that day. § 87(2)(b) did not have any marijuana on him. § 87(2)(b) was in the store for a brief period of time, about five seconds, and then he exited the store to walk home.

The officers approached § 87(2)(b) and he ran away. At first during his CCRB interview, § 87(2)(b) said that the police officers ran up to him when he had stopped in front of a Met Food supermarket after he had a small verbal argument with § 87(2)(b) and handed her cell phone to her. § 87(2)(b) said he saw two people running towards him from the corner and he ran away towards his apartment building. Later on in his statement, when he was asked if the officers ran or walked up to him, § 87(2)(b) said he just heard a car speeding and then break which reminded him of the time he was robbed when he was younger and caused him to run away; § 87(2)(b) only saw half of the car, he said he only saw something dark from the corner of his eyes and began to run away. The officers then chased § 87(2)(b) in their car. (In his phone statement on February 25, 2014, § 87(2)(b) stated that two officers drove up next to him in an unmarked car and began asking if he had anything on him. § 87(2)(b) recognized the officers because they had stopped him in the past and he told the officers that he did not have anything. § 87(2)(b) then ran away from the officers towards his apartment building because he was on probation and wanted to stay out of trouble. The officers then followed after him in their car.)

When he arrived at his apartment building, less than ten minutes later, he looked behind him to see if anyone was behind him. When he turned around he saw PO Hubbard, who was identified by the investigation and described as a 5'6" tall Hispanic male around 40-years-old in uniform, getting out of the front passenger's seat of the unmarked burgundy Chevy Impala police car walking slowly towards § 87(2)(b) with his gun pointed at him. PO Hubbard told § 87(2)(b) "Get down, get down." § 87(2)(b) did not say anything but he got down on the ground on the pavement of the walkway to the front of his building. § 87(2)(b) lay on the sidewalk with his stomach on the pavement and his arms spread out to the sides so that his body was making a T-shape. PO Brown, who was identified by the investigation and described as a uniformed 6'1" tall dark skinned black male with a muscular/husky build in his 30's, then came and stood to the right of § 87(2)(b) was screaming "Ma," for his mother, when he was lying on the ground but he was not screaming anything else and he was not moving around. The officers were not saying anything to § 87(2)(b) was on the ground for about ten minutes. § 87(2)(b) felt PO Hubbard start to pick him up but then his vision went blurry and the next thing he remembers is that PO Hubbard and PO Brown were taking him to the police car and his shoulder was hurting. Upon further questioning, § 87(2)(b) said that he felt PO Hubbard pick him up, say "Oh get down get down," and then throw him to the ground; § 87(2)(b) hit the ground with his right cheek (which caused a lump). PO Hubbard then put his knee on § 87(2)(b)'s back and pulled his left arm back and § 87(2)(b)'s left shoulder popped out of its socket. This happened before handcuffs were taken out to be put on § 87(2)(b) then started to feel pain in his shoulder. In his phone statement on February 25, 2014, § 87(2)(b) stated that he felt an officer stomp on his back and shoulders but he did not re-allege this during his interview. PO Brown then handcuffed § 87(2)(b) did not move his hands away from the officers. PO Hubbard and PO Brown picked up § 87(2)(b) and walked him to the police car.

When § 87(2)(b) was being walked to the police car, § 87(2)(b) was coming up the street and saw him. § 87(2)(b) was yelling at the officers asking what they were doing and what they did to him. § 87(2)(b) was not touching the officers, she was about ten steps away from them. PO Hubbard and PO Brown responded by saying, “Bitch” and “Back up ho before I smack you.” In his initial phone statement, § 87(2)(b) stated that PO Hubbard stated, “Get out of here bitch before I smack you too.”

When in the police car, PO Hubbard and PO Brown drove around the neighborhood looking for another person they said they saw § 87(2)(b) with. After not finding anyone, they parked the car in front of § 87(2)(b)'s building. PO Hubbard and PO Brown exited the car and looked around for something they thought § 87(2)(b) had dropped but they did not find anything. They then had a conversation about § 87(2)(b) while standing outside of the car. § 87(2)(b) listened to what they were saying and they were discussing what their next steps should be. PO Hubbard then asked § 87(2)(b) if he was really hurt. § 87(2)(b) responded that he felt like his arm was broken. PO Hubbard then said, “Alright so we’re going to take you in since you’re hurt. Otherwise I was going to leave you right here.”

§ 87(2)(b) was brought to the 44th Precinct stationhouse and stood in the front of the stationhouse. PO Hubbard started saying he hurt himself and had broken ribs. PO Brown later told § 87(2)(b) that PO Hubbard had to be taken to the hospital because § 87(2)(b) broke three of his ribs but § 87(2)(b) thinks this was a lie because he saw PO Hubbard walking around before that. § 87(2)(b) asked PO Brown how he broke PO Hubbard’s ribs and PO Brown explained that when PO Hubbard was taking § 87(2)(b) down to the ground, § 87(2)(b) had his elbow up at a 90 degree angle from his body and slammed into PO Hubbard’s ribs. § 87(2)(b) however, remembers that his elbow was out to the side and flat against his body. § 87(2)(b) was then taken to § 87(2)(b) hospital and when he returned to the stationhouse he was placed in a holding cell.

§ 87(2)(b) was charged with reckless endangerment, selling marijuana, possession of marijuana, and resisting arrest.

Victim: MS. § 87(2)(b)

- See enclosures for pedigree (encl. 6a-c)

CCRB Statement:

§ 87(2)(b) was interviewed at the CCRB on March 6, 2014 (encl. 6a-c).

On February 14, 2014, § 87(2)(b) left § 87(2)(b) with § 87(2)(b) to walk to a store on Morris Avenue and either 166th Street or 165th Street. They were going to buy their daughter Enfamil milk. Next to the store there is a house that is a hot drug spot that everyone knows about. § 87(2)(b) and § 87(2)(b) did not go towards the drug spot because § 87(2)(b) had been arrested by officers who thought he came out of the house and he is trying to stay out of trouble. § 87(2)(b) and § 87(2)(b) did not stop to talk to anyone or say hello to anyone when they were on their way to the store. § 87(2)(b) and § 87(2)(b) did not use any drugs or drink any alcohol on that day. They were in the store for five minutes and then walked out of the store to go home.

They had been walking back home for about five minutes, did not say hello to anyone on the way, and reached the corner of 167th Street and Morris Avenue when an unmarked burgundy car,

containing two uniformed officers, pulled over next to where § 87(2)(b) and § 87(2)(b) were walking. The officers did not say anything when they looked at § 87(2)(b) and § 87(2)(b). § 87(2)(b) looked at the officers and then started running away. § 87(2)(b) did not know why § 87(2)(b) ran away. The officers turned the car around and began to follow § 87(2)(b) in their car; they did not exit the car to run after him. The officers went up the one way street of Sherman Avenue in the opposite direction.

§ 87(2)(b) ran after § 87(2)(b) but she could not keep up because she runs slowly. When she reached the end of Sherman Avenue, § 87(2)(b) heard § 87(2)(b) screaming, “Ma, ma, ma.” § 87(2)(b) then ran faster to catch up with § 87(2)(b). When § 87(2)(b) approached § 87(2)(b) she saw § 87(2)(b) being picked up from the ground outside of the building by PO Hubbard. § 87(2)(b)'s right side was covered with snow and he was complaining that his left arm hurt but he was not yelling. § 87(2)(b) also had a bump on his right cheek. § 87(2)(b) ran up to § 87(2)(b) and starting touching him saying, “What’s wrong? What’s wrong?” PO Brown said to § 87(2)(b) “Back the fuck up bitch before we arrest you or search you. Who’s got the weed do you got the weed?” § 87(2)(b) told PO Brown that she did not have anything and did not know what he was talking about. PO Hubbard and PO Brown continued walking with § 87(2)(b) who was still complaining about his arm and asking the officers why they slammed him to the ground. The officers put § 87(2)(b) in the police car and drove off.

§ 87(2)(b) went upstairs to her apartment to speak with § 87(2)(b)'s mother and grandmother. § 87(2)(b) and § 87(2)(b)'s grandmother, § 87(2)(b) went to the 44th Precinct stationhouse. § 87(2)(b) spoke with PO Brown at the stationhouse. PO Brown was telling other officers around to get her away from him. § 87(2)(b) asked PO Brown what proof they had and why they didn’t tell § 87(2)(b) to stop or not move and PO Brown responded that they did not need to do that. When § 87(2)(b) asked PO Brown why they slammed him to the ground, picked him up and slammed him back down again, PO Brown responded because they thought he had a gun. PO Hubbard was complaining that he had broken ribs to EMTs when they were examining § 87(2)(b) at the stationhouse.

§ 87(2)(b) was brought to the hospital by the EMTs. § 87(2)(b) went back to the stationhouse around midnight with § 87(2)(b) to bring § 87(2)(b)'s sweater home. PO Brown told § 87(2)(b) that his partner went to the hospital because his rib was broken. PO Brown also told § 87(2)(b) that § 87(2)(b)'s shoulder was fractured. § 87(2)(b) responded, “Yeah thanks to you guys” and seven to eight white male officers looked over. PO Brown said, “Oh no don’t say that.” § 87(2)(b) said, “Oh now you’re finally nice” to PO Brown. § 87(2)(b) said, “He is not nice” and PO Brown responded, “I’m always fucking nice.” § 87(2)(b) and § 87(2)(b)'s grandmother then left the stationhouse.

Witness: MS. § 87(2)(b)

- See enclosures for pedigree (encl. 7a-b).

CCRB Statement:

§ 87(2)(b) was interviewed at the CCRB on March 6, 2014 (encl. 7a-b).

On February 14, 2014, § 87(2)(b) traveled to the 44th Precinct Stationhouse after receiving a call from her neighbors “Willie” and § 87(2)(b) saying that her grandson, § 87(2)(b) had been arrested. When § 87(2)(b) arrived at the 44th Precinct stationhouse she saw that § 87(2)(b)

was complaining about his left shoulder hurting. § 87(2)(b) told § 87(2)(b) he should go to the hospital. When the EMTs arrived, one officer, who was described as a 5'1"-5'2" male weighing 190-250 pounds and identified by the investigation as PO Hubbard, started complaining that his ribs hurt. § 87(2)(b) told PO Hubbard that if his ribs hurt he would not be able to breathe or walk around. PO Hubbard and a second officer, described as a tall and skinny male, were standing near § 87(2)(b) when one male and one female EMT examined his shoulder in the middle of the stationhouse. When § 87(2)(b) was put into the ambulance, an officer told § 87(2)(b) that § 87(2)(b) was going to be brought to § 87(2)(b) Hospital. § 87(2)(b) got into a cab and followed the ambulance to § 87(2)(b) hospital.

When § 87(2)(b) arrived at the emergency room, an officer with § 87(2)(b) told § 87(2)(b) that she was not supposed to be at the hospital and insisted that she leave. § 87(2)(b) left the hospital and went home. She did not go back to the stationhouse that night.

Witness: MR. WILFREDO § 87(2)(b)

- See enclosures for pedigree (encl. 8a).

CCRB Statement:

§ 87(2)(b) provided a phone statement on May 16, 2014 (encl. 8a).

§ 87(2)(b) was watching the incident through the window of his apartment on the 6th floor of § 87(2)(b). His apartment is in the middle of the building and faces the front; he can see people at the front door of the building from looking out the window of his apartment. § 87(2)(b) is a close friend of § 87(2)(b)'s family.

PO Hubbard ran after § 87(2)(b) from the corner of 167th Street. § 87(2)(b) ran up to the front door of the building pulling on the door and screaming for his grandmother to open the door. He did not enter the building yet. PO Hubbard ran after him, grabbed him and § 87(2)(b) was either thrown to or fell to the concrete on the left side of his body. Once § 87(2)(b) was on the floor, PO Hubbard put his foot on his back and placed § 87(2)(b) in handcuffs. This took about six seconds. While § 87(2)(b) was on the ground, § 87(2)(b) was screaming "Grandma!" § 87(2)(b) could not hear what PO Hubbard was saying to him. PO Brown then approached PO Hubbard and § 87(2)(b) to try to help hold § 87(2)(b) still. § 87(2)(b) was picked up off of the ground but tried to force his way out of the handcuffs and escape by moving his body and then fell back down to the ground on his right side.

Approximately five seconds later, PO Brown and PO Hubbard held § 87(2)(b) by the arms, one officer grabbed each of § 87(2)(b)'s arms, and § 87(2)(b) was walked to the police car that was parked nearby. § 87(2)(b)'s wife ran and stood very close to the officers screaming, "Leave him alone. Leave him alone!" § 87(2)(b) could not hear if the officers said anything to her.

Witness: MR. § 87(2)(b) UNKNOWN

- § 87(2)(b) refused to provide his last name, apartment number or pedigree information.

CCRB Statement:

On April 24, 2014, § 87(2)(b) provided a phone statement in Spanish (encl. 8b).

§ 87(2)(b) could see the incident that occurred outside of § 87(2)(b) from his apartment window. § 87(2)(b) was walking with § 87(2)(b) from the direction of Morris Avenue. A

black car was driving the opposite direction on Sherman Avenue, which is a one way street, following the male. § 87(2)(b) started running to the first door of the building.

§ 87(2)(b) tried to put his key in the door but before he was able to put the key in the door, two officers dressed in plain clothes exited the black car and § 87(2)(b) started screaming, "Ma! Ma! Ma!"

The officers told him, "Tell me what you have there" and told him that they saw him from the building buying or selling drugs on Morris Avenue. § 87(2)(b) responded saying that he did not buy or sell drugs. § 87(2)(b) heard the officers say not to move but the male continued to try to open the door. PO Hubbard then grabbed § 87(2)(b)'s arm and § 87(2)(b) moved the officer's arm away. Something happened that made § 87(2)(b) fall to the ground when this happened but § 87(2)(b) could not specify what he saw cause this. § 87(2)(b) thought PO Hubbard either kicked § 87(2)(b) or § 87(2)(b) fell with § 87(2)(b) or threw § 87(2)(b) to the ground. PO Hubbard was also hitting § 87(2)(b) on the back and on his face with a fist and § 87(2)(b) was moving his body and covering himself to avoid being hit. § 87(2)(b) did not know how many times § 87(2)(b) was hit.

When § 87(2)(b) was on the floor he was calm and not doing anything. PO Brown then put his foot on the § 87(2)(b)'s back and handcuffed him. Around five minutes later, the male was placed in the police car.

NYPD Statements:

Subject Officer: PO SEAN BROWN

- See enclosures for pedigree information (encl. 10l-o).

Memo Book:

At 7:10 p.m., observation post officer, PO Cruz, Tax ID: 920168, did see an unapprehended hand to hand transaction. At 7:12 p.m., § 87(2)(b) fled once he saw officers in the middle of the street, against traffic, causing officer to drive the wrong way. He did throw marijuana. When approached, perpetrator did try to flee again. While trying to arrest perpetrator, PO Hubbard and perpetrator fell to the ground. PO Hubbard injured his ribs (encl. 10a-c).

§ 87(2)(b), § 87(2)(a) 160.50

§ 87(2)(b)

§ 87(2)(b)

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§ 87(2)(b)

LOD Paperwork Statements:

PO Brown provided a witness statement for PO Hubbard's LOD injury paperwork. He stated that PO Hubbard "did hurt his right torso area while attempting to place a perpetrator in custody and fell to the ground." (encl. 10i).

§ 87(2)(b), § 87(2)(a) 160.50

[REDACTED]

CCRB Statement:

PO Brown was interviewed at the CCRB on June 10, 2014 (encl. 10l-o).

On February 14, 2014, PO Brown was part of a Strategic Enforcement Team; PO Cruz was the observation officer and PO Brown and PO Hubbard were the apprehension car. PO Brown was the driver and PO Hubbard was the passenger.

The observation officer, PO Cruz, observed a hand to hand transaction and called PO Brown and PO Hubbard on a cell phone that was put on speaker in the car. PO Cruz told PO Brown and PO Hubbard the description of § 87(2)(b) the buyer in the hand to hand transaction. PO Brown did not remember the exact description that was relayed to him. When PO Brown and PO Hubbard saw § 87(2)(b) on 167th Street, PO Cruz, who had been following § 87(2)(b) walked away.

PO Brown pulled his police vehicle over to where § 87(2)(b) who was with his girlfriend, was walking on the sidewalk on Grant Avenue and 167th Street, his car was facing southbound. PO Brown intended to stop § 87(2)(b) recover the narcotics, and place him under arrest. The driver's side of PO Brown's vehicle was on the sidewalk side and § 87(2)(b) was standing about one foot away from the car. § 87(2)(b) looked at PO Brown and his eyes opened wide. PO Brown said, § 87(2)(b) "don't run." PO Brown knew § 87(2)(b)'s name because he was familiar from him playing in the neighborhood and watching him grow up. § 87(2)(b) ran. Since § 87(2)(b) ran and there was probable cause that § 87(2)(b) had narcotics since PO Cruz observed a hand to hand transaction and did not lose sight of § 87(2)(b) in the time it took PO Brown to approach him, PO Brown and PO Hubbard followed § 87(2)(b) with the police car.

From one car's length away, in the middle of 167th Street between Grant Avenue and Sherman Avenue, PO Brown observed § 87(2)(b) take what looked to be marijuana, out of his pocket with his right hand and throw it on the ground on the corner of Grant and Sherman Avenue. PO Brown believed the item was marijuana because it was a clear plastic bag smaller than the size of a palm and it looked like a bag that holds marijuana. § 87(2)(b) ran westbound on 167th Street against traffic. § 87(2)(b) ran across the middle of the street and caused cars to stop to try to avoid hitting him. § 87(2)(b) then turned on Sherman Avenue, which is a northbound one-way street, and drove the opposite way down the street in order to follow § 87(2)(b) who was running on the sidewalk while PO Brown was following him in the car driving on the street. PO Brown did not lose sight of § 87(2)(b) at any point.

When § 87(2)(b) arrived at § 87(2)(b) he tried to run into the building. PO Hubbard exited the vehicle to stop § 87(2)(b) before he entered the building; § 87(2)(b) was standing at the door of the building at this point. PO Brown was exiting the police vehicle when

PO Hubbard approached § 87(2)(b) PO Brown reached § 87(2)(b) and PO Hubbard about one minute after PO Hubbard exited the vehicle. PO Hubbard did not draw his gun when he approached § 87(2)(b) and PO Brown did not draw his gun either. PO Brown saw that PO Hubbard put § 87(2)(b) against the door of the building to try to get his hands behind his back. § 87(2)(b) stepped backwards away from the door and moved his arms out and around in all different directions so that PO Hubbard could not get a grip on him. PO Brown did not see PO Hubbard punch § 87(2)(b) on his back or face. PO Hubbard took § 87(2)(b) to the ground so that he could not run away. Once PO Hubbard and § 87(2)(b) were on the ground, both PO Hubbard and § 87(2)(b) were just lying on the ground. PO Hubbard was lying next to § 87(2)(b) yelling, “Ah my ribs!” § 87(2)(b) was saying, “Ah my shoulder!” PO Brown approached § 87(2)(b) and put him in handcuffs. PO Brown did not put his foot on § 87(2)(b)s back and neither did PO Hubbard. Neither PO Hubbard nor PO Brown kicked § 87(2)(b). It was determined later that § 87(2)(b) dislocated his shoulder and PO Hubbard bruised his ribs as a result of going to the ground.

PO Brown picked § 87(2)(b) up from the ground. He was not dropped onto the ground for a second time. PO Brown and PO Hubbard walked § 87(2)(b) to the police vehicle which was parked in front of the building. § 87(2)(b) was standing in front of the police vehicle. § 87(2)(b) was screaming at PO Brown, “What the fuck are you doing? He’s my boyfriend. Let him go!” PO Brown told § 87(2)(b) that she had to move back by saying “Get back” because she was interfering and her actions were borderline obstructing governmental administration. § 87(2)(b)s girlfriend was standing in front of the vehicle so that the officers could not put § 87(2)(b) in the vehicle. PO Brown told § 87(2)(b)s girlfriend to step to the side before she got arrested. PO Brown spoke to § 87(2)(b)s girlfriend for about two minutes because that is the amount of time it took to get § 87(2)(b) into the car; it took that amount of time because § 87(2)(b) was interfering. PO Brown did not say, “Back up ho before I search you,” or “Get out of here bitch before I smack you,” “Back the fuck up bitch before we arrest you or search you.” PO Brown told § 87(2)(b) that she probably had the drugs on her but he did not say that he was going to search her. PO Brown thought that she might have had drugs on her because he thought she probably grabbed the package § 87(2)(b) threw since she was following behind § 87(2)(b) and arrived after § 87(2)(b) had been placed in handcuffs. PO Brown did not search § 87(2)(b)s girlfriend because no one ever observed her possess the drugs.

PO Brown did not recover marijuana on § 87(2)(b) PO Brown went back to check the ground for the marijuana because he needed the marijuana for arrest evidence but he did not recover any marijuana. PO Brown then drove to the 44th Precinct stationhouse.

At the 44th Precinct stationhouse, PO Brown called EMS for § 87(2)(b)s mother or grandmother and girlfriend. § 87(2)(b) were notified of the arrest.

§ 87(2)(b) and § 87(2)(b) came to the stationhouse together and spoke to PO Brown before EMS came. PO Brown told them to keep § 87(2)(b) out of the streets because he is a good kid and he sees him hanging out with the wrong people. PO Brown also tried to explain to § 87(2)(b) why she could not interfere when the officers were trying to make an arrest and that she could have been arrested for obstructing the officers from getting § 87(2)(b) into the police car. He also told her that PO Hubbard was hurt from the incident. He tried to explain to § 87(2)(b) that one of their officers had observed the narcotics transaction and that PO Brown and PO Hubbard, as part of the apprehension team, did not have to physically see § 87(2)(b) with marijuana in order to arrest him. § 87(2)(b) did not understand what PO Brown was saying to

her so he began to speak to § 87(2)(b) and direct his statements towards her. PO Brown did not tell § 87(2)(b) “I’m always fucking nice” when he spoke with her at the stationhouse. PO Brown had his conversation with § 87(2)(b) and § 87(2)(b) outside in front of the stationhouse. There were no other officers around when he was speaking with them. PO Brown could not remember if § 87(2)(b)’s girlfriend and grandmother came back to the stationhouse later in the evening.

PO Hubbard went line of duty as a result of this incident because of bruised ribs.

§ 87(2)(b), § 87(2)(a) 160.50

At the conclusion of the interview, PO Brown wished to add that in the stationhouse, § 87(2)(b) stated that he went to get the marijuana because it was Valentine’s Day and he wanted to smoke it with his girlfriend.

Subject Officer: PO JAWUAN HUBBARD

- See enclosures for pedigree information (encl. 11d-f).

Memo Book:

At 7:15 p.m., one person was arrested in front of § 87(2)(b). The observing post officer was PO Cruz. Defendant was approached and told to stop and not run. The defendant fled on foot running through traffic. The defendant was apprehended at § 87(2)(b) and resisted arrest by flailing his arms. PO Hubbard went Line of Duty due to this incident and ended his tour at 1:35a.m. (encl. 11a-b).

LOD Paperwork Statement:

PO Hubbard described how his injury was sustained as follows: “I suffered internal pain to my right rib after making a lawful arrest when the perpetrator resisted and I fell on him.” (encl. 11c).

CCRB Statement:

PO Hubbard was interviewed at the CCRB on June 18, 2014 (encl. 11d-f). His statement was consistent with PO Brown’s with the following exceptions and additional information noted below.

When § 87(2)(b) was running, PO Hubbard’s attention was focused on looking out for other cars and keeping a line of sight on § 87(2)(b) to aid PO Brown. PO Hubbard did not remember if he saw § 87(2)(b) throw any object while he was running.

When § 87(2)(b) arrived at § 87(2)(b) he pulled on the door. PO Hubbard jumped out of the vehicle and ran towards § 87(2)(b). PO Hubbard did not hear § 87(2)(b) say anything when he was at the door. PO Hubbard did not say anything to § 87(2)(b) or issue him any instructions. PO Hubbard did not have his gun drawn when he ran towards § 87(2)(b). PO

Hubbard wrapped his arms around § 87(2)(b) as if giving him a bear hug in order to apprehend him. § 87(2)(b) tried to push PO Hubbard away from him. There was a tussle between § 87(2)(b) and PO Hubbard that lasted a couple of seconds before they both fell onto the ground.

As soon as PO Hubbard and § 87(2)(b) fell to the ground, the wind was knocked out of PO Hubbard and he felt a sharp pain in his ribs. PO Hubbard lay on the ground in pain. PO Hubbard could not move but he tried to keep § 87(2)(b) on the ground by laying part of the left side of his body on top of § 87(2)(b) (PO Hubbard believed § 87(2)(b) was laying on his side at this point); the whole right side of PO Hubbard's body was numb and he could not do much else other than lay on § 87(2)(b) until PO Brown arrived. § 87(2)(b) continued to move his arms around to try to get PO Hubbard off of him.

When PO Brown arrived, PO Hubbard was very relieved and focused mainly on his own injury. PO Brown placed § 87(2)(b) in handcuffs; PO Hubbard remembered hearing the sound of the handcuffs but did not see how they were placed on him; PO Hubbard did not play a role in handcuffing § 87(2)(b) because he was too injured. PO Hubbard did not stomp on § 87(2)(b)'s back while he was on the ground and neither did PO Brown. PO Hubbard did not see PO Brown put his knee on § 87(2)(b)'s back. PO Hubbard did not hear PO Brown say anything to § 87(2)(b) and he did not hear § 87(2)(b) say anything.

§ 87(2)(b) was compliant once he was handcuffed. PO Brown and PO Hubbard walked § 87(2)(b) to the police car. While taking § 87(2)(b) to the police car, § 87(2)(b) was walking up the street on the sidewalk screaming at PO Brown and PO Hubbard saying, "Get the fuck out of here" and "Why are you arresting my boyfriend." She was also screaming and asking why they were arresting him if he did not do anything. § 87(2)(b) was continuously told to "stay back" by both PO Brown and PO Hubbard; they told her about four to five times. § 87(2)(b) was told that everything would be explained to her at the stationhouse if she wanted to. PO Hubbard did not call and did not hear PO Brown call § 87(2)(b) a "bitch." PO Hubbard did not say and did not hear PO Brown say, "Back the fuck up before we arrest or search you", "Back up ho before I smack you" or "Get out of here bitch before I smack you too."

Once § 87(2)(b) was placed into the backseat of the car, § 87(2)(b) tried to open the door of the vehicle through the window which was rolled halfway down. PO Brown and PO Hubbard were still outside the vehicle when § 87(2)(b) tried to do this. Both PO Brown and PO Hubbard instructed § 87(2)(b) that she was coming close to obstructing governmental administration and that she could be arrested; this was meant as an explanation not a threat. After being told this, § 87(2)(b) stepped away from the car.

PO Hubbard did not remember if they drove around looking for marijuana or another person before going to the 44th precinct stationhouse.

§ 87(2)(b) was transported to the 44th precinct stationhouse. PO Hubbard saw § 87(2)(b)'s girlfriend and an older woman in the waiting room of the stationhouse. They were standing there waiting for someone to speak with them. PO Hubbard did not see PO Brown speak with them and he did not hear PO Brown say, "I'm always fucking nice." PO Hubbard was then taken to the hospital for his rib injury. He believed PO Brown accompanied him to the hospital but he was not sure. PO Hubbard was out of work due to a line of duty injury for about three weeks as a result of this incident.

Witness Officer: PO JUAN CRUZ

- See enclosures for pedigree information (encl. 9e-g).

Memo Book:

PO Cruz has an entry regarding this incident written on the fly page of his memo book. At 7:10pm on February 14, 2014 he wrote: § 87(2)(b) (for PO Brown) observed perpetrator brief conversation with unapprehended seller exchange US Currency for small object and place object in right jacket pocket. PO Hubbard did have foot pursuit with perpetrator. Lost perpetrator when PO Hubbard chased him westbound on East 167th Street (encl. 9a-d).

CCRB Statement:

PO Cruz was interviewed at the CCRB on June 5, 2014 (encl. 9e-g). His statement was consistent with PO Brown's.

On February 14, 2014, PO Cruz and PO DeJesus were the assigned observation post of the Strategic Enforcement Team. They were watching for drug dealers, drug transactions and gang members. As the observation post, PO Cruz and PO DeJesus were to look for any drug transactions and radio it in to other team members who were in charge of the apprehension. On February 14, 2014, the team was focusing on the southwest corner of McClellan Street and Morris Avenue because it is a drug prone location. At 7:10pm, PO Cruz was sitting in a parked car with PO DeJesus observing known drug sellers; these sellers are known to the command from previous arrests. PO Cruz did not remember how far away the car was from the sellers but he knew that it was close enough to see an exchange happen. PO Cruz could not remember how many sellers there were but thought that it was at least one seller with at least one lookout person. PO Cruz observed § 87(2)(b) have a brief conversation with one of the known sellers. PO Cruz did not know if § 87(2)(b) was walking with a female at the time. § 87(2)(b) handed the seller US Currency for a small Ziploc square bag about two inches by two inches with a dark green substance inside that looked like marijuana. After the exchange, § 87(2)(b) walked northbound on Morris Avenue. PO Cruz exited his police car to follow behind § 87(2)(b) PO Cruz did not discuss the observation or his next actions with PO DeJesus before exiting the car. PO Cruz stayed about 100 feet behind § 87(2)(b) when he was following him. PO Cruz followed after § 87(2)(b) and called either PO Brown or PO Hubbard on their cell phone to give them the full description of § 87(2)(b) PO Cruz usually relays very specific information regarding the buyer to the other officers which would include the race and gender of the person, type of shirt and pants the person was wearing, if they were carrying anything, if they were walking with anyone else. For this specific incident, PO Cruz did not remember the exact information he relayed to the officers.

PO Cruz followed § 87(2)(b) for about three to four minutes until PO Brown and PO Hubbard approached him in their vehicle. PO Brown and PO Hubbard told him when they saw § 87(2)(b) and PO Cruz verbally confirmed that they saw the correct person. PO Brown and PO Hubbard got out of their vehicle to approach § 87(2)(b) then ran away. PO Hubbard followed § 87(2)(b) PO Cruz wrote in his memo book that PO Hubbard ran after § 87(2)(b) he was not sure if PO Brown ran as well or if PO Brown was still in the car because he did not remember. Once § 87(2)(b) made a left turn onto East 167th Street and Morris Avenue, PO Cruz lost sight of § 87(2)(b) and the officers and returned to his police car. He did not apprehend the sellers because they had left the location once PO Cruz returned. He did not see § 87(2)(b) or the officers at any other point that day.

Medical Records

On § 87(2)(b), § 87(2)(b) was transported from the 44th Precinct Stationhouse to § 87(2)(b) Hospital by EMS. EMS was called to the stationhouse for a possible dislocated shoulder. When the EMT first examined § 87(2)(b) he was complaining of pain to his left shoulder and told the EMT that when officers apprehended him he fell to the ground and landed on his left arm. The EMT noted swelling to his right cheek and red skin around his shoulder area. At § 87(2)(b) Hospital, § 87(2)(b)'s chief complaint was that he was in an altercation with the NYPD and fell, injuring his left shoulder in the process. § 87(2)(b) was diagnosed with left shoulder pain and a shoulder sprain; he was given an arm sling.

On § 87(2)(b), § 87(2)(b) returned to § 87(2)(b) Hospital Emergency Room. His chief complaint was left shoulder pain from an incident that occurred three days prior. § 87(2)(b) stated that he was assaulted by police. No fracture or dislocation was observed and § 87(2)(b) was diagnosed with shoulder pain and released (encl. 14a).

Police Documents

Arrest Photograph

§ 87(2)(b)'s arrest photograph shows that his arm is in a sling. There are no visible injuries to his face.

Command Log

§ 87(2)(b) was logged in to the command log at 7:30 p.m. on February 14, 2014. He was brought to § 87(2)(b) Hospital at § 87(2)(b) and returned to the stationhouse at 11:35 p.m. There is no notation of injuries written in the command log (encl. 12c).

§ 87(2)(b), § 87(2)(a) 160.50

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of July 31, 2014 with regard to the incident (encl. 15a).

§ 87(2)(b), § 87(2)(a) 160.50

Civilians CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. 2c-d).

Subject Officers CCRB History

- PO Jawuan Hubbard has been a member of the service for 4 years and there are no substantiated CCRB allegations against him (encl. 2b).
- PO Sean Brown has been a member of the service for 4 years and there are two substantiated CCRB allegations against him. (encl. 2a).
 - In case 201201897, allegations of a stop and frisk were substantiated against PO Brown and he received command discipline as a penalty.

Conclusion

Identification of Subject Officers

PO Brown and PO Hubbard acknowledged interacting with § 87(2)(b) and § 87(2)(b)

Investigative Findings and Recommendations

Allegations Not Pleaded

§ 87(2)(b) stated she ran up to § 87(2)(b) and touched him while he was being brought to the police car. PO Hubbard and PO Brown explained that § 87(2)(b)'s actions were obstructing governmental administration and that she could have been arrested for the way she was acting. They both stated that they warned her that she could be arrested if she continued to act the way she was acting. Since PO Brown and PO Hubbard could have arrested § 87(2)(b) for interfering with the arrest of § 87(2)(b) their statements were statements of fact rather than threats and therefore a threat of arrest is not being pleaded.

Also, because PO Cruz observed § 87(2)(b) engage in a hand-to-hand transaction but § 87(2)(b) denies doing so, the stop of § 87(2)(b) is an arrest dispute and therefore is not being pleaded.

§ 87(2)(b) stated that PO Hubbard called § 87(2)(b) a bitch and said, "Back up ho before I smack you" but § 87(2)(b) did not allege that PO Hubbard used any discourteous or offensive language statements towards her. Since § 87(2)(b) was the one having the conversation and only alleged that PO Brown used discourteous and offensive language statements towards her, discourtesy and offensive language allegations are not being pleaded against PO Hubbard.

Allegation A: Abuse of Authority – In front of § 87(2)(b) in the Bronx, PO Jawuan Hubbard pointed his gun at § 87(2)(b)

§ 87(2)(b) stated that PO Hubbard pointed his gun at him while saying, "Get down" when he caught up to him. § 87(2)(b) did not witness this part of the incident. Neither § 87(2)(b) nor § 87(2)(b) corroborated the allegation. § 87(2)(b) who was watching the incident from his apartment's window stated that PO Hubbard ran up to § 87(2)(b) who was standing at the front door of § 87(2)(b) screaming for his grandmother to open the door, and grabbed him; he made no mention of PO Hubbard having his gun drawn. § 87(2)(b) stated that two officers exited the police vehicle and told § 87(2)(b) not to move but § 87(2)(b) continued to try to open the door to the apartment building; he also did not mention guns being drawn when the officers did this.

PO Brown and PO Hubbard stated that PO Hubbard exited the vehicle and approached § 87(2)(b) but did not have his gun drawn when he did this.

§ 87(2)(b), § 87(2)(g)

Allegation B: Force – In front of § 87(2)(b) in the Bronx, PO Jawuan Hubbard used physical force against § 87(2)(b)

It is undisputed that § 87(2)(b) ran from the police. § 87(2)(b) stated that he complied when PO Hubbard told him to get down. When § 87(2)(b) was lying on the ground, he was screaming “Ma!” but he was not moving around. PO Brown and PO Hubbard stood over him for about ten minutes. § 87(2)(b) first stated that he felt PO Hubbard pick him up from the ground but then his vision went blurry and the next thing he remembered was being walked to the police car. § 87(2)(b) later said that PO Hubbard picked § 87(2)(b) up from the ground and then said, “Get down! Get down!” and threw § 87(2)(b) to the ground which caused § 87(2)(b) to fall to the ground on his right cheek. PO Hubbard then put his knee on § 87(2)(b)’s back and pulled his left arm back which caused his left shoulder to feel like it popped out of its socket. PO Brown then handcuffed § 87(2)(b) without any struggle.

§ 87(2)(b) saw PO Hubbard grab § 87(2)(b) and either threw § 87(2)(b) or caused § 87(2)(b) to fall to the ground. Once § 87(2)(b) was placed in handcuffs and picked up off of the ground, § 87(2)(b) began moving his body as if he was trying to escape which caused him to fall onto the ground again. § 87(2)(b) saw § 87(2)(b) move PO Hubbard’s arm away when he grabbed him and then saw § 87(2)(b) fall to the ground. § 87(2)(b) stated that § 87(2)(b) was moving his body while on the ground to avoid being hit on the back and face by PO Hubbard.

PO Brown saw § 87(2)(b) step backwards away from the door of § 87(2)(b) and move his arms around in all different directions so that PO Hubbard could not get a grip on him. PO Hubbard then took § 87(2)(b) to the ground. PO Hubbard was on the ground with § 87(2)(b) and both of them were lying next to each other yelling about what was hurting them. PO Brown approached § 87(2)(b) and placed him in handcuffs without any struggle. PO Brown did not put his foot on § 87(2)(b)’s back or kick § 87(2)(b) and neither did PO Hubbard. § 87(2)(b) did not fall back down to the ground after he was picked up.

PO Hubbard stated that he ran up to § 87(2)(b) and wrapped his arms around him in order to apprehend him. § 87(2)(b) tried to push PO Hubbard away from him which lead to a tussle between § 87(2)(b) and PO Hubbard that lasted for a couple of seconds before they both fell onto the ground. As soon as PO Hubbard and § 87(2)(b) hit the ground, the wind was knocked out of PO Hubbard and he felt a sharp pain in his ribs. PO Hubbard could not move but tried to keep § 87(2)(b) on the ground by laying part of the left side of his body on top of § 87(2)(b) while § 87(2)(b) continued to move his arms around trying to get PO Hubbard off of him. PO Brown arrived and handcuffed § 87(2)(b) but PO Hubbard did not see how the handcuffs were placed on him. Neither PO Hubbard nor PO Brown stomped on § 87(2)(b)’s back while he was on the ground.

When the EMTs examined § 87(2)(b) at the stationhouse on February 14, 2014, he told them that he fell to the ground and landed on his left arm when officers apprehended him. At the hospital on February 14, 2014, § 87(2)(b)’s chief complaint was that he was in an altercation with the NYPD and fell, injuring his left shoulder in the process. On February 16, 2014, § 87(2)(b) told hospital staff that he was assaulted by police and injured his shoulder.

Patrol Guide Procedure section 203-11 (encl.1a-b) holds that officers are allowed to use the minimum necessary physical force in the course of effecting an arrest.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Allegation C: Discourtesy – In front of § 87(2)(b) in the Bronx and at the 44th Precinct stationhouse, PO Sean Brown spoke discourteously to § 87(2)(b)

Allegation D: Offensive Language – In front of § 87(2)(b) in the Bronx, PO Sean Brown made remarks to § 87(2)(b) based upon the sex of § 87(2)(b)

§ 87(2)(b) stated that PO Brown said, “Back the fuck up bitch before we arrest you or search you” when she ran up to § 87(2)(b) while he was being walked to the police car. § 87(2)(b) also stated that when she returned to the stationhouse later in the evening with § 87(2)(b) PO Brown said, “I’m always fucking nice.” § 87(2)(b) stated that both PO Brown and PO Hubbard called § 87(2)(b) a “bitch” and said, “Back up ho before I smack you.” § 87(2)(b) stated she was only at the stationhouse once in the evening and she did not make this allegation.

PO Brown stated that he told § 87(2)(b) to “Get Back.” He denied saying, “Back up ho before I search you,” “Get out of here bitch before I smack you,” or “Back the fuck up bitch before we arrest you or search you.” At the stationhouse, PO Brown spoke to § 87(2)(b) and § 87(2)(b) when they came to the stationhouse; they were only at the stationhouse one time in the night and PO Brown only spoke to them outside in front of the stationhouse. PO Brown did not say, “I’m always fucking nice” to § 87(2)(b) when he spoke with her. PO Hubbard stated that § 87(2)(b) was told to “stay back” four or five times by both officers. PO Hubbard did not hear PO Brown call § 87(2)(b) a “bitch” and he did not hear PO Brown say, “Back the fuck up before we arrest or search you,” “Back up ho before I smack you,” or “Get out of here bitch before I smack you too.”

§ 87(2)(b), § 87(2)(g)
[Redacted]
[Redacted]
[Redacted]
[Redacted].

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date